



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,687	06/08/2001	Matthew J. Holliman	42390.P11076	9438

8791 7590 01/02/2008  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
----------

LEE, PHILIP C

ART UNIT	PAPER NUMBER
----------	--------------

2152

MAIL DATE	DELIVERY MODE
-----------	---------------

01/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**MAILED**

**JAN 2 2008**

**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/877,687  
Filing Date: June 08, 2001  
Appellant(s): HOLLIMAN ET AL.

---

Matthew Holliman  
Rainer Lienhart  
Minerva Yeung  
Yen-Kuang Chen  
Igor Kozintsev  
Li-Cheng Tai  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 10/22/2007 appealing from the Office action mailed 05/21/2007.

**(1) *Real Party in Interest***

A statement identifying by name the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) *Status of Claims***

The statement of the status of claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Claimed Subject Matter***

The summary of claimed subject matter contained in the brief is correct.

**(6) *Grounds of Rejection to be Reviewed on Appeal***

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) *Claims Appendix***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) *Evidence Relied Upon***

2002/0073204	Dutta et al	6-2002
6,687,753	Schneider	2-2004
6,778,496	Meempat et al	8-2004
6,965,569	Carolan et al	11-2005
6,072,784	Agrawal et al	6-2000
6,891,854	Zhang et al	5-2005
7,088,775	Sato et al	8-2006
2003/0023845	VanHeyningen	1-2003
2005/0108436	Goossen et al	5-2005
2001/0022000	Horn et al	9-2001
6,650,620	Neogi	11-2003

**(9) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 80-82, 84, 86, 88, 91-94, 96, 100-102 and 105-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al, U.S. Patent Application Publication 2002/0073204 (hereinafter Dutta), Schneider, U.S. Patent 6,687,753 (hereinafter Schneider) and Meempat et al, U.S. Patent 6,778,496 (hereinafter Meempat) in view of Carolan et al, U.S. Patent 6,965,569 (hereinafter Carolan)
2. Dutta, Schneider and Carolan were cited in the last office action.
3. As per claim 80, Dutta teaches the invention substantially as claimed comprising:  
a first peer node receiving an inquiry for data from a second peer node ([0037]), the inquiry including a user specified search string ([0007], [0037]) (it is inherent that the query specified by a user contains sequences of characters forming the words or phrase that the user is searching); and  
transmitting the data to the second peer node ([0044]-[0045]).
4. Dutta does not teach specifying a format for the data. Schneider teaches the invention comprising:  
an inquiry specifying a format for the data (col. 5, lines 25-27);  
converting the data into the specified format before transmitting the data to the node (col. 4, lines 57-61);

transmitting the data to the node in a transport specification specified by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of converting the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

6. Dutta and Schneider do not teach generating a cost value. Meempat teaches generating and adding cost value to a packet that also includes a cost value generated by another peer node and then providing the packet to a second peer node (col. 2, lines 15-25).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Meempat because Meempat's teaching of generating and adding cost value would expedite the flow of data in their systems by monitoring the link occupancy status and generating the intelligence for making packet control decisions.

8. Dutta, Schneider and Meempat do not teach cost value based in part on conversion. Carolan teaches the cost value is based in part on conversion of the data to the specified format (col. 6, lines 1-5; col. 3, lines 4-6; col. 11, lines 1-2).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat and Carolan because Carolan's teaching of cost value would increase the efficiency of Dutta's, Schneider's and Meempat's systems by allowing a conversion cost to be associated with each possible conversion and selecting the conversion in the least cost (col. 3, lines 4-6, 20-24).

10. As per claims 92 and 101, Dutta teaches the invention substantially as claimed comprising:

receiving an inquiry for data from a second peer node ([0037]), the inquiry including a user specified search string ([0007], [0037]) (it is inherent that the query specified by a user contains sequences of characters forming the words or phrase that the user is searching); and

transmitting the data to the second peer node ([0044]-[0045]).

11. Dutta does not teach specifying a format for the data. Schneider teaches the invention comprising:

an inquiry specifying a format for the data (col. 5, lines 25-27);

converting the data to the specified format (col. 4, lines 57-61);

transmitting the converted data in the specified format to the node in a transport protocol specified by the node (col. 3, lines 14-16, 41-53; col. 4, lines 57-61; col. 5, lines 15-37).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of converting the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

13. Although Schneider teaches the technique of specifying the transport protocol in well known (col. 1, lines 52-55), however, Dutta and Schneider do not explicitly teach the specified transport protocol is a User Datagram Protocol (UDP). It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify UDP or any type of transport protocol in order to choose an optimal transport protocol based on network condition.

14. Dutta and Schneider do not teach generating a cost value. Meempat teaches generating and adding cost value to a packet that also includes a cost value generated by another peer node and then providing the packet to a second peer node (col. 2, lines 15-25).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Meempat because Meempat's teaching of generating and adding cost value would expedite the flow of data in their systems by monitoring the link occupancy status and generating the intelligence for making packet control decisions.



16. Dutta, Schneider and Meempat do not teach cost value based in part on conversion.

Carolán teaches the cost value is based in part on conversion of the data to the specified format (col. 6, lines 1-5; col. 3, lines 4-6; col. 11, lines 1-2).

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat and Carolán because Carolán's teaching of cost value would increase the efficiency of Dutta's, Schneider's and Meempat's systems by allowing a conversion cost to be associated with each possible conversion and selecting the conversion in the least cost (col. 3, lines 4-6, 20-24).

18. As per claims 84, 96 and 107, Dutta, Schneider, Meempat and Carolán teach the invention substantially as claimed in claims 80, 92 and 101 above. Schneider further teaches the data is converted based on a status of a network connection between the first node and the second node (col. 4, lines 1-20; col. 5, lines 48-62; col. 6, lines 20-29).

19. As per claim 86, Dutta, Schneider, Meempat and Carolán teach the invention substantially as claimed in claim 80 above. Dutta and Schneider further teach the first peer node obtaining the data from a third peer prior to transmitting the data to the first node (see Dutta, [0037]; see Schneider, col. 3, lines 19-21);

20. As per claim 88, Dutta, Schneider, Meempat and Carolán teach the invention substantially as claimed in claim 80 above. Dutta, Schneider, Meempat and Carolán do not

explicitly teach each of the different formats for conversion, however, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include any format such as PowerPoint format, GIF format, etc. for conversion because by doing so it would allow a user to convert between any desired format, hence increasing the field of use in their systems.

21. As per claim 91, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 80 above. Schneider further teach the data includes multimedia data (col. 2, lines 33-36).

22. As per claim 100, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 92 above. Dutta further teach an article includes one or more selected from a memory device, an optical disk, and a magnetic disk ([0077]).

23. As per claim 102, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 101 above. Dutta and Schneider further teach the peer node is a wireless device (see Dutta, [0026]), and wherein the system further comprises an application support handler to adjust delivery of the data to a status of the peer node (see Schneider, col. 3, lines 10-17; col. 4, lines 14-20; col. 6, lines 26-29).

24. As per claims 81, 93 and 105, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Meempat further teaches

generating a cost value that is based in part on a network route to deliver the data to the node (col. 2, lines 15-25; col. 5, lines 62-67).

25. As per claims 82, 94 and 106, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Meempat further teaches sending a packet comprising the cost value to the node (col. 2, lines 15-25).

26. Claims 83 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Agrawal et al, U.S. Patent 6,072,784 (hereinafter Agrawal).

27. Agrawal was cited in the last office action.

28. As per claims 83 and 95, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80 and 92 above. Dutta, Schneider, Meempat and Carolan do not teach receiving a battery status. Agrawal et al teaches receiving a battery status of the node (col. 8, lines 40-42); and reacting to the received battery status by changing a transport protocol (rule of transporting) that is used to transmit the data to a node (col. 10, lines 49-60; col. 7, lines 18-21; col. 9, lines 29-33; col. 11, lines 19-33).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Agrawal because

Agrawal's teaching of receiving a battery status would increase the efficiency of their systems by allowing battery power to be conserved by rescheduling the operations of the mobile terminal (col. 6, lines 44-52).

30. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Zhang et al, U.S. Patent 6,891,854 (hereinafter Zhang).

31. Zhang was cited in the last office action.

32. As per claim 85, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 84 above. Dutta, Schneider, Meempat and Carolan do not teach the data is converted to a lower bit rate. Zhang teaches the data is converted to a lower bit rate format when the network connection is congested (col. 8, lines 32-34; col. 16, lines 54-61; col. 18, lines 12-18).

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Zhang because Zhang's teaching of the data is converted to a lower bit rate format would enhance Dutta's, Schneider's, Meempat's and Carolan's transport mechanism by converting a bit stream to match the channel bandwidth, resulting in a reducing bit error rate.

34. Claims 87, 97 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Sato et al, U.S. Patent 7,088,775 (hereinafter Sato).

35. As per claims 87, 97 and 108, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 84 above. Dutta, Schneider, Meempat and Carolan do not teach converting between MPEG2 and MPEG4. Sato teaches converting between MPEG2 and MPEG4 (col. 10, lines 44-46; col. 14, lines 28-37).

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Sato because Sato's teaching of converting between MPEG2 and MPEG4 would enhance their systems by allowing bit stream to be converted to a smaller bit rate that can be readily processed in mobile terminals and the like.

37. Claims 89, 98 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of VanHeyningen, U.S. Patent Application Publication 2003/0023845 (hereinafter VanHeyningen).

38. VanHeyningen was cited in the last office action.

39. As per claims 89, 98 and 109, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Dutta, Schneider, Meempat and Carolan do not teach deciding to transmit in UDP instead of TCP. VanHeyningen teaches deciding to transmit in UDP instead TCP (abstract).

40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and VanHeyningen because Vanheyningen's teaching of deciding to transmit in UDP instead of TCP would enhance Dutta's, Schneider's, Meempat's and Carolan's transport mechanism by providing a time-sensitive delivery scheme, making it more suitable for streaming media ([0006]).

41. Claims 90 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Goossen et al, U.S. Patent Application Publication 2005/0108436 (hereinafter Goossen).

42. Goossen was cited in the last office action.

43. As per claims 90 and 99, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claims 80 and 92 above. Dutta, Schneider, Meempat and Carolan do not teach explicitly teach an inquiry specifying a file type. Goossen teaches receiving an inquiry specifying a file type (page 9, claim 44).

44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Goossen because Goossen's teaching of an inquiry specifying a file type would allow users of their systems to access files according to the type desired by the users.

45. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Horn et al, U.S. Patent Application Publication 2001/0022000 (hereinafter Horn).

46. Horn was cited in the last office action.

47. As per claim 103, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 101 above. Dutta, Schneider, Meempat and Carolan do not teach access to a peer-to-peer service layer. Horn teaches a programmatic access for applications of the system to a peer-to-peer service layer ([0055]-[0056]) (Note that the system must include programmatic access in order for application to use the transmission condition parameters provided by the peer-to-peer service layer.)

48. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Horn because Horn's teaching of peer-to-peer service layer would improve quality of transmission in Dutta's, Schneider's, Meempat's and Carolan's systems by allowing peer service layer to provide

transmission condition parameters indicative of the condition of the network to control the processing of data ([0015] and [0017]).

49. Claim 104 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, Meempat and Carolan in view of Neogi et al, U.S. Patent 6,650,620 (hereinafter Neogi).

50. Neogi was cited in the last office action.

51. As per claim 104, Dutta, Schneider, Meempat and Carolan teach the invention substantially as claimed in claim 101 above. Dutta, Schneider, Meempat and Carolan do not teach tables mapping user-defined named. Neogi teaches table mapping user-defined names or metadata references to Globally Unique Identifiers identifying data stored within a network of peer-to-peer nodes (col. 2, lines 53-63; col. 3, lines 27-43).

52. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat, Carolan and Neogi because Neogi's system of mapping user-defined names would increase the efficiency of Dutta's, Schneider's, Meempat's and Carolan's systems by allowing requests to be routed according to the mapping table.



53. Applicant's arguments with respect to claims 80-109, filed on 2/28/07 have been considered but are moot in view of the new ground(s) of rejection.

**(10) Response to Argument**

The examiner summarizes the various points raised by the appellant and addresses replies individually.

Appellant argued that:

- (1) Rejection of claims 80-109 under 35 U.S.C. 112, second paragraph, is improper.
- (2) Dutta, Schneider, Meempat, and Carolan should not be combined.
- (3) Any combination of Dutta, Schneider, Meempat and Carolan does not disclose all of the limitation of the independent claims because it would not be obvious to combine the teachings of Schneider, Meempat and Carolan to the peer-to-peer networks of Dutta.
- (4) the fact that the Examiner needed to combine such a large number of references (four), from such different and in some cases non-analogous arts, in order to meet the claimed invention, is evidence that the invention is not obvious.

**In reply** to argument (1): Appellant's argument regarding rejection of 35 U.S.C. 112, second paragraph has been fully considered and are persuasive. The rejection of claims 80-109 under 35 U.S.C. 112, second paragraph have been withdrawn.

**In reply** to argument (2): on page 12, last paragraph of the appeal brief filed on 10/22/2007, appellant states: "at least two of Dutta, Schneider, Meempat, and Carolan are from non-analogous arts." Examiner disagrees. It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Dutta, Schneider, Meempat, and Carolan are either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned. According to page 2, paragraph 4 of the specification, the particular problem with which the applicant was concerned is exchanging diverse data such as multi-media data. Furthermore, according to page 4, paragraph 10 of the specification, the field of applicant's endeavor is a peer-to-peer environment. Similarly, Dutta is in the field of peer-to-peer data network ([0032]). Also, Dutta's teaching of exchanging information across a network ([0032]) is pertinent to the particular problem with which the applicant was concerned. Schneider teaches delivery of multimedia file in appropriate format for the selected transmission method (col. 4, lines 57-59). Schneider further teach delivery of multimedia file (e.g., 3D graphic data) using different transmission techniques (col. 2, lines 33-36). This means Schneider's teaching of delivery of multimedia data in different format is pertinent to the particular problem with which applicant was concerned. Meempat teaches based on cost value, packet stream are admitted to the network (col. 2, lines 22-25). This means Meempat's teaching of delivery of multimedia file (e.g., voice packet stream, col. 5, lines 28-29) based on cost value is pertinent to the particular problem with which applicant was concerned. Lastly, Carolan

teaches determine the cost of conversion (i.e., formatting) and sending the multimedia file (e.g., WAV or MP3) to the destination (col. 6, lines 1-17). This means Carolan teaching of delivery of multimedia file (e.g., text or voice) in different format (e.g., WAV or MP3) is pertinent to the particular problem with which applicant was concerned.

**In reply** to argument (3): on page 15, paragraphs 2 and 3 of the appeal brief, appellant states: "Dutta appears to be the only reference that pertains to peer-to-peer networks. However, Dutta fails to disclose many of the limitations recited in claim 80." "The other references, namely Schneider, Meempat and Carolan do not appear to pertain to peer-to-peer networks." "Appellants respectfully submit that it is inherently improper for the Examiner to read so many limitations from these non-peer-to-peer references into Dutta, which is the only peer-to-peer reference of the four." Examiner disagrees. The combination of Dutta, Schneider, Meempat and Carolan teaches the limitations recited in independent claims because it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat and Carolan. As stated on page 4, paragraph 9 of the office action mailed on 5/21/2007, "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of converting the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16)." Using Schneider's teaching of specifying a format for data, systems would be able to adjust the transmission method according to bandwidth and user preference, hence the transmission method would be the most optimal for the particular bandwidth and the efficiency of the transmission in

Dutta's systems would improve. In addition, Schneider is merely relied upon for the teaching of specifying a format for data. According to the rationale of *KSR Int'l Co. v. Teleflex Inc.*, applying a known technique of "specifying a format for data" to a known method of "peer-to-peer delivery of multimedia file" ready for improvement that would have yield predictable results. In addition, the rationale of "Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art" is applicable in this combination. Schneider's teaching of specifying a format for data in field of client and server would prompt variations of it for use in a different field of peer-to-peer based on design incentives if variation is predictable to one of ordinary skill in the art. One of ordinary skill in the art would predict Schneider's teaching would allow the optimal transmission method to be chosen based on the network bandwidth and user preference in Dutta's network of peer devices and yield predictable results. In regard to Meempat's reference, on paragraph 11, page 4 of the office action mailed on 5/21/2007 states: "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Meempat because Meempat's teaching of generating and adding cost value would expedite the flow of data in their systems by monitoring the link occupancy status and generating the intelligence for making packet control decisions." Specifically, Meempat's teaching of selectively blocking or admitting packet stream to the network would expedite the flow of data. Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Using the teaching of Meempat, one of ordinary skill in the art can modify Dutta's and Schneider's systems by programming their systems to deliver packet (i.e., admitting packet stream) to the network based on cost value, hence the data can be efficiently deliver in Dutta's and Schneider's systems. Furthermore, the KSR rationales explained above are similarly applicable for determining obviousness of Meempat in a peer-to-peer network. Applying a known technique of "generating a cost value" to a known method of "peer-to-peer delivery of multimedia file" ready for improvement would have yield predictable results (e.g., expedite the flow of data). In regard to Carolan's reference, on paragraph 13, page 4 of the office action mailed on 5/21/2007 states: "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Meempat and Carolan because Carolan's teaching of cost value would increase the efficiency of Dutta's, Schneider's and Meempat's systems by allowing a conversion cost to be associated with each possible conversion and selecting the conversion in the least cost (col. 3, lines 4-6, 20-24)." Using Carolan's teaching of cost value based in part of conversion, systems would be able to select the optimal conversion according to the lowest cost value, hence the efficiency of Dutta's, Schneider's and Meempat's systems would improve. One of ordinary skill in the art can modify the systems of Dutta, Schneider and Meempat by incorporating software (programming) and/or hardware to implement the features of cost value based in part of conversion. KSR rationale as explained above is similarly applicable for Carolan's teaching in a peer-to-peer network.

**In reply** to argument (4): as explained above in reply to argument (2), Dutta, Schneider, Meempat, and Carolan are either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned (i.e., analogous arts). Also, in response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

**(12) Conclusion**

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,


Philip Lee

P.L.

December 31, 2007

Conferees:

  
BUNJOB JARDENCHONWANIT  
SUPERVISORY PATENT EXAMINER  
12/31/7

  
JEFFREY PWU  
SUPERVISORY PATENT EXAMINER  
12/31/07